

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MAKE JS-6

CIVIL MINUTES -- GENERAL

Case No. CV-12-7317-R

Date: August 29, 2012

Title: DEUTSCHE BANK NAT'L TRUST CO. -V- MARY R GONSALVES et al

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PRESENT: HONORABLE MANUEL L. REAL, JUDGE

Kane Tien
Courtroom Deputy

None Present
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFFS:

ATTORNEYS PRESENT FOR DEFENDANTS:

None

None

PROCEEDINGS: MINUTE ORDER (IN CHAMBERS) SUA SPONTE REMANDING ACTION TO
STATE COURT

A district court must remand a case to state court “if at any time before final judgment it appears that the district court lacks subject matter jurisdiction.” 28 U.S.C. 1447(c). Because this is an unlawful detainer action, a federal question does not present itself. See Indymac Federal Bank, F.S.B. v. Ocampo, No. CV 09-2337, 2010 WL 234828, *2 (C.D. Cal. Jan. 13, 2010) (sua sponte remanding an action to state court for lack of subject matter jurisdiction where plaintiff’s complaint contained only an unlawful detainer claim). Moreover, Defendant failed to comply with the procedure for removal of civil actions. See 28 USCS § 1446. As such, this case is now REMANDED TO STATE COURT.

IT IS SO ORDERED.

cc: counsel of record

MINUTES FORM 11
CIVIL -- GEN

Initials of Deputy Clerk ____KTI____